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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/924,005	08/07/2001	Stephen Lange Ranzini	3892-4003	1961
27123 7590 01/29/2007 MORGAN & FINNEGAN, L.L.P. 3 WORLD FINANCIAL CENTER NEW YORK, NY 10281-2101			EXAMINER COLBERT, ELLA	
			ART UNIT	PAPER NUMBER
			3694	
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		01/29/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

## Office Action Summary

Application No.

09/924,005

Applicant(s)

RANZINI, STEPHEN LANGE

Examiner

Ella Colbert

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 03 November 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) 9-11 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-8 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 August 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. Claims 1-11 are pending. Claims 3-5 and 7-11 were withdrawn with traverse in response to the Election/Restriction filed 11/06/06. After reconsideration of the Applicant's arguments which will be responded to in the Response to Arguments section of this communication claims 1-8 will be examined and claims 9-11 still remain restricted to a distinct invention. The Restriction requirement for Groups I and II, claims 1-8 is hereby withdrawn. Group III, claims 9-11 still remain restricted since claims 9-11 do not recite a broker or determining an amount of native currency or the purchase of shares for a determined amount of native currency or the submission of a request to sell a specific number of shares of a first exchange and a request to purchase shares of the second exchange share only claims 1-8 will be examined.

### ***Abstract***

2. The abstract of the disclosure is objected to because the abstract recites "... related to performing currency exchange are presented. Through the establishment of "exchange shares," ... the execution of currency exchange ...". This would be better recited as "... related to performing a currency exchange are presented. Through the establishment of "exchange shares," ... the execution of a currency exchange ...". Correction is required. See MPEP § 608.01(b).

### ***Title***

3. The title of the invention is objected to for the following: The title of the invention recites "SYSTEM AND METHOD FOR STOCK EXCHANGE LISTED FOREIGN

EXCHANGE". A suggestion for a better title is: METHOD FOR A STOCK EXCHANGE FOR HANDLING A CURRENCY EXCHANGE".

### ***Drawings***

4. The drawings are objected to because Figure 4 contains shading making it difficult to read the characters inside of the shading. The character elements that are not legible are "4050-4053, 4055, 4057-4059, 4061, and 4063". Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Claim Objections***

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5. Claims 1-4 are objected to because of the following informalities: Claim 1 recites "A method ... to handle currency exchange comprising:". The preamble would be better recited as "A method ... to handle a currency exchange comprising:". Claims 2-4 have a similar problem with the preamble. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

6. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claims 1-4 are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: Claim 1 needs another step after "establishing on a stock exchange ...;". This claim limitation only recites and intended use and nothing is being done after the establishing of a predetermined exchange shares. It is unclear what is being done with the first currency valued in terms of the second currency. Then the claim goes on to recite "establishing a predetermined number of market makers, ...". There is a step missing after this claim recitation relating to what happens after "the market maker has responsibility for at least one of said exchange shares (added to claim) representing a first currency valued in terms of a second currency". Claims 3 and 4 have a similar problem with the independent claims.

***Claim Rejections - 35 USC § 102***

8. (a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-8 are rejected under 35 U.S.C. 102(a) as being anticipated by (US 2002/0087455) Tsagarakis et al, hereafter Tsagarakis. This application claims priority to a non-provisional of provisional application No. 60/259,268, filed on December 30, 2000.

Claims 1 and 2, Tsagarakis discloses, A method for empowering a stock exchange to handle currency exchange, comprising:

establishing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency (col. 2, page 5 [0045] –col. 1, page 6, line 28); and establishing a predetermined number of market makers, each said market maker having responsibilities for at least one of said exchange shares (page 5, col. 1, [0040] –col. 2, [0042]).

Claims 3 and 4, Tsagarakis discloses, A method for allowing individuals to exchange currency, comprising:

listing on a stock exchange a predetermined number of exchange shares, each said exchange share representing a first currency valued in terms of a second currency (Page 2, col. 1 [0026] and col. 2 [0031] –page 3, col. 1 [0032]); and hosting a predetermined number of market makers, each said market maker each said market maker having responsibilities for at least one of said exchange shares (page 3, col. 2 [0033] –Page 4, col. [0037]).

Claims 5 and 7, Tsagarakis discloses, The method of claim 1 wherein said responsibilities include posting a bid and offer for said exchange shares (Page 5, col. 1 [0041] –col. 2, line 12).

Claims 6 and 8, Tsagarakis discloses, The method of claim 1 wherein said responsibilities include offering to purchase or sell said exchange shares for posted amounts (Page 4, col. 1 [0036]).

### ***Response to Arguments***

10. Applicant's arguments filed 11/03/06 have been fully considered but they are partially persuasive.

Applicant argues: that all groups of restricted claims are properly presented in the same application; undue diverse searching would not be required; all claims should be examined together and the applicant respectfully submits the restriction requirement should be withdrawn and all claims should be examined on the merits.

Response: The traversal to the Election/Restriction is hereby acknowledged.

The Examiner has considered the Applicant's arguments and is withdrawing the restriction in part. The claims in Groups I and II will be examined together. However, Group III, claims 9-11 are distinct from the claims of Groups I and II and do create a serious burden on the Examiner because of their diverse subject matter and different search. Claims 9-11 will be withdrawn from consideration. Therefore, this decision is deemed FINAL.

### ***Conclusion***

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Calo et al (US 2002/0087454) disclosed equity trades in a local stock exchange and handling associated foreign exchange transactions to convert one currency into another currency.

Gerhard (US 6,952,683) disclosed currency risk and foreign currency with an exchange rate at the time of the sale.

Olson et al (US 2002/0156718) disclosed a currency trading system and methods.

### ***Inquiries***

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ella Colbert whose telephone number is 571-272-6741. The examiner can normally be reached on Monday, Tuesday, and Thursday, 5:30AM-3:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 571-272-6712. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

January 20, 2007

  
ELLA COLBERT  
PRIMARY EXAMINER